

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE**

FUSION ELITE ALL STARS, *et al.*

Plaintiffs,

v.

VARSITY BRANDS, LLC, *et al.*,

Defendants.

Case No. 2:20-cv-2600

VARSITY DEFENDANTS' MOTION TO DISMISS

Defendants Varsity Brands, LLC, Varsity Spirit, LLC, and Varsity Spirit Fashions & Supplies, LLC ("Defendants"), through their undersigned counsel, and pursuant to Federal Rule of Civil Procedure 12(b)(6), hereby move this Court to dismiss the Consolidated Complaint (ECF No. 56) filed by Plaintiffs for failure to state a claim upon which relief can be granted.

Pursuant to Local Rule 7.2(d), movants request oral argument because they believe it will assist the Court in understanding the motion and the attendant issues and to answer any questions the Court may have.

WHEREFORE, for the reasons set forth in Defendants' Memorandum of Law in Support, filed contemporaneously herewith, Defendants respectfully request that Plaintiffs' Consolidated Complaint be dismissed in its entirety.

Dated: December 1, 2020

Respectfully submitted,

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